

REMARKS

In the Restriction Requirement, the Examiner states that Claims 1-18 as originally filed are directed to distinct inventions and require restriction to one of the following inventions:

(1) Group I, Claims 1-5, 10-12 and 16 drawn to an isolated polynucleotide comprising a nucleic acid sequence encoding geraniol synthetase (GES) that converts geranyl diphosphate to geraniol and method of making the same;

(2) Group II, Claims 6-9 drawn to polypeptides having geraniol synthase activity, which convert geranyl diphosphate to geraniol;

(3) Group III, Claims 13-15 drawn to a method for producing geraniol, comprising culturing host cells transformed with a vector comprising a polynucleotide that expresses geraniol synthase in suitable culture conditions; and

(4) Group IV, Claims 17-18 drawn to the use of geraniol or metabolites thereof in a product selected from the group consisting of agricultural, cosmetic and food products.

Applicants hereby elect to prosecute the claims of Group I corresponding to Claims 1-5, 10-12 and 16 for initial examination **without traverse**. Thus, Claims 6-9, 13-15 and 17-18 are withdrawn from consideration in accordance with 37 CFR §1.142.

Although examination is currently restricted to an isolated polynucleotide comprising a nucleic acid sequence encoding geraniol synthase, an expression vector and prokaryotic organism comprising the nucleic acid sequence encoding geraniol synthase and a method for producing recombinant geraniol synthase, Applicants request that the method for producing geraniol embodied in Claims 13-15 and the use of geraniol or metabolites thereof embodied in Claims 17 and 18 be rejoined into the

application to the extent that such claims have the same limitations as any allowed expression vector of Claim 10 having the polynucleotide and methods for producing geraniol or metabolites thereof using the host cell comprising the expression vector of Claim 10. Under such a circumstance, this rejoinder is required:

Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance.

MPEP §821.04 (emphasis added).

Applicants further reserve the right to file divisional/continuation applications directed to the subject matter of Claims 6-9, 13-15 and 17-18 in future prosecution.

CONCLUSION

If the Examiner feels further discussion of Applicants' arguments presented will expedite examination of this application, he is cordially invited to contact Applicants' undersigned attorney at (248) 641-1600.

Respectfully submitted,
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